

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

RESOLUTION NO. R5-2009-0045

APPROVING THE INITIAL ENVIRONMENTAL STUDY
AND
ADOPTING A MITIGATED NEGATIVE DECLARATION
FOR
GILBERT ALSTON, JOHN ALSTON AND ELSIE SEWALD,
DBA ALSTON FARMS DAIRY NO. 2
TEHAMA COUNTY

WHEREAS, the California Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board) finds that:

1. A Report of Waste Discharge was submitted to the Regional Board on 4 March 2008 for the re-opening of Alston Farms Dairy No. 2. Alston Farms Dairy No. 2 is located at 22954 Christian Road, Orland, Tehama County and is owned by Elsie Sewald and operated by Gilbert Alston. In addition, John Alston owns a portion of the land application area. Elsie Sewald, John Alston, and Gilbert Alston are collectively hereafter "Discharger."
2. The facility is not currently regulated under Order No. R5-2007-0035, Waste Discharge Requirements General Order for Existing Milk Cow Dairies (hereafter "General Order") because the facility was not operating as a dairy in October 2005. Pursuant to Finding 2. of the General Order, the Order does not apply to such facilities.
3. The proposed dairy operation requires issuance of Waste Discharge Requirements (WDRs) by the Central Valley Water Board and compliance with the California Environmental Quality Act (CEQA).
4. The Central Valley Water Board has assumed the lead agency role for this project under CEQA and an Initial Environmental Study in accordance with Title 14, California Code of Regulations, Section 15063, Guidelines for the Implementation of the California Environmental Quality Act and a Mitigated Negative Declaration in accordance with Title 14, California Code of Regulations, Section 15070, et seq. has been prepared by VESTRA Resources, Incorporated on behalf of the Discharger.
5. The Initial Environmental Study preliminarily identified potentially significant environmental impacts caused by the operation of the dairy by the migration of contaminants from the dairy production area and/or land application area into the underlying soil and groundwater. The proposed Waste Discharge Requirements (WDRs) require installation of groundwater monitoring wells, retrofitting of the wastewater lagoon with a synthetic liner, and the completion of a field-by-field Nutrient Management Plan. The Monitoring and Reporting Program (MRP) attached to the WDRs requires groundwater monitoring, as well as monitoring to confirm that the

Nutrient Management Plan is being implemented appropriately. Complying with the WDRs and MRP should insure that surface water and groundwater are protected.

6. The Central Valley Water Board transmitted the Proposed Mitigated Negative Declaration, the supporting Initial Environmental Study, and proposed WDRs to all agencies and persons known to be interested in this matter.
7. Copies of the Mitigated Negative Declaration and supporting Initial Environmental Study were transmitted to the State Clearinghouse (SCH No. 2009022060) and copies were made available to all agencies and persons known to be interested in this matter, initiating the public review and comment period.
8. The record of proceedings for this project is located at the Rancho Cordova office of the Central Valley Water Board.
9. The Central Valley Water Board received no comments regarding the proposed project, Initial Environmental Study, or proposed Mitigated Negative Declaration.
10. The Central Valley Water Board considered all written comments timely received and testimony and evidence at a public hearing held on 23 April 2009, in Rancho Cordova, California, and good cause was found to approve the Initial Study and adopt a Mitigated Negative Declaration.

THEREFORE BE IT RESOLVED, that pursuant to Section 21080, et seq. of the California Public Resources Code, the Central Valley Water Board:

1. Finds the Mitigated Negative Declaration reflects the independent judgment and analysis of the Regional Board.
2. Finds, based on the whole record (including the Initial Study and all comments timely received), that there is no substantial evidence that the project will have a significant effect on the environment.
3. Approves the Initial Environmental Study and adopts the Mitigated Negative Declaration for Alston Farms Dairy No. 2 for the re-opening of the dairy facility near the city of Orland.

I, PAMELA C. CREEDON, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Central Valley Region, on 24 April 2009.

PAMELA C. CREEDON, Executive Officer